PROMOTE BULLDALE STRUCKS

THURSDAY, SEPTEMBER 10, 1863.

VINDICATION OF JUSTICE STORY.-No. II.

We now seek to show that there is no conflic between the opinion of the Supreme Court of the United States read by Justice STORY in the case of the Santissima Trinidad, and the opinion of the same court read by Chief Justice Marshall in the tional Union" as the test of loyalty and at the same case of the Gran Para.

Both cases were under statutes enacted to preserve our neutrality, and these statutes make the offence they prohibit to consist in equipping vessels with "the intent" that they shall be employed in cruising &c. against a State with which we are now talk of an experiment in the neighboring State at peace; and of the "intent" with which the of Maryland, by way of trying, we suppose, how United States says :

"It is the material point on which the legality or criminal.ty of the act must turn, and d-cides whether the adventure is of a commercial or warlike character." (6 Peters U. S. R. 445, U. S. v. Quincy.)

In the case of the Santissima Trinidad restitution of the goods captured was claimed on two distinct grounds: first, the original equipment of the Independencia and Altravida in our ports; and, secondly, the augmentation of the force of the Independencia in our ports.

As to the first ground of claim it was found that the Independencia was fitted out as a war vessel in Baltimore, and sent for sale to Buenos Ayres, and in Maryland, and not meeting, we presume, with violating the laws of nations or our own statutes. eia (as well as the outfi of the Altravida) was made with "the intent" to cruise against Spain, and the court held that this brought the case within our statutes, and decreed restitution.

It will be perceived that in the former case the moving cause of the equipment, its immediate "intent," was the sale and the profits of the sale, while in the other case the moving cause and purpose of gentleman in this House supposes I am fool enough be gotten by it. And thus, in the language of the military necessity." Supreme Court quoted from a later case, the "intent" decided "the legality or criminality of the

In the case of the Gran Para the capturing ship was equipped in our ports and sailed thence "with the intent" to cruise against Spain. The Chief Justice declares that this "intent" is demonstrated by the facts of the case, which he states, and at the same time he emphatically distinguishes the case from a commercial adventure. He says:

"That the Irresistible was purchased and that she sailed out of the port of Baltimore armed and manned as a vessel of war for the purpose of being employed as a cruiser against a nation with whom the United States are at peace is too clear for controversy. That the arms and ammunition were cleared out as cargo cannot vary the case; nor is it thought to be material that the men were enlisted in form as for a common mercantile voyage. There is nothing resembling a commercial adventure in any part of the transaction. The vessel was constructed for war and not for commerce. There was no cargo on board but what was commerce. There was no cargo on board but what was adapted to the purposes of war. The crew was too numerous for a merchantman and was sufficient for a privateer. These circumstances demonstrate the intent with which the Irresistible sailed out of the port of Baltimore."

On the case thus stated restitution was decreed. statutes. The opinion read by Chief Justice Mar- or selfish ends; but different from these are men SHALL repealed that decision. The former opinion decided an equipping, &c. for sale bona fide-i.e. of this letter, with whom the only ends they aim shape which their revenge took was a pursuit of Quantrell a commercial adventure-did not bring a case with- at are "their Country's, their God's, and Truth's." in the statutes, but was a lawful transaction, and the latter opinion distinctly intimates the same thing. In this surely there is no conflict between those opinions.

But it was shown at the trial that the Irresistible did not attempt to take prizes on her outward | Both the scriptures of truth and the matured legal was voyage from Baltimore to La Plata, and it was contended that the "intent" with which she sailed from Baltimore could not be carried beyond that outward voyage. In relation to this the Chief Justice said :

"As the Irresistible made no prize on her passage from Baltimere to the river La Plata, it is contended that her offence was deposited there, and that the court cannot connect her sub-equent cruise with the transactions Baltimore. If this were to be admitted in such a case as this the laws for the preservation of our neutrality would be completely eluded, so far as this enforcement depends on the restitution of prizes made in violation of them. Ves sels completely fitted in our ports for military operations need only sail to a belligerent port, and there, after obtaining a commission, go through the ceremony of discharging d re-enlisting their crew, to become perfectly legitimate craisers, purified from every taint contracted at the place where all their real force and capacity for annoyance was acquired. This would indeed be a fraudulent neutrality. disgraceful to our own Government, and of which no na tion would be the dupe.

Now, the phrase "fraudulent neutrality" and all these remarks of the Chief Justice are applied to cases like that before him, where the vessel is "completely fitted in our ports for military operations and sails thence with intent to cruise," &c. and they have no reference whatever to a vessel fitted for war in our ports and sent thence to a belligerent port for sale bona fide and on a commer- in a doubtful or a wrong position before the civilized cial adventure; and this the language of the Chief Justice makes manifest, for he proceeds thus:

"It is impossible for a moment to disguise the facts that the arms and ammunition taken on board the Irresistible at Baltimore were taken for the purpose of being used on a cruise, and that the men there enlisted, though engaged in form as for a commercial voyage, were not so engaged in fact. There was no commercial voyege, and no indivi-

The language of the Chief Justice precludes its application to the case of a commercial transaction : yet it is only by so applying it, and confounding an equipment, &c. for the purpose of a sale bona fide with an equipment for the purpose of cruising, that any appearance of conflict can be made between the opinions of the Supreme Court in the cases of the Santissima Trinidad and the Gran law says he may, "on or before the day fixed for his ap-

It is also charged on Justice Story that he ignores the difference between armed ships and munitions of war. And is there any difference between them as to sales by neutrals to belligerents? and is either any thing more? And is there a judicial decision or a text-book that distinguishes between arms and armed ships? Or is there reason or room for any such distinction when it is the arms only which give the armed ship her warlike character? Under the law of nations neutrals who trade in arms and ships may sell them to belligerents at home or abroad. The reason is that port. No pirates had recently been heard from.

the neutrals, in the language quoted from Vattel, are not required "to abandon their trade that they may avoid furnishing my enemy with the means of making war." This reason and its terms include any and all kinds of arms, whether Enfield rifles or Whitworth or Armstrong guns, armed ships iron-clads, or monitors: for the rule in the law of nations is permanent, and does not shift from year to year and from day to day with the different inventions of different countries.

ANOTHER TURN OF THE SCREW.

The party that proclaims assent to "unconditime demands "conditions" for restoration so mer ciless as well as so repugnant to every principle on which the Union was founded, having fully established their punitive system of reunion upon the loyal as well as disloyal in the rebellious South, equipment is made the Supreme Court of the much the loyalty of the Border Slave States can stand in addition to what they have already endured in maintaining their fealty to the Union. Having braved death and desolation from disunion | that such slave had run away, &c. foes, it is thought fit that they should now show how much their loyal y can bear from Union friends The experiment, it seems, is to be inaugurated in Maryland, where, as a frontier State, they have that she was actually sold there; and the court the desired success, it has been suggested to the people of Maryland? held that this was a commercial transaction no way Secretary of War by one whom the Evening Post ealls "one of the foremost men in the State," but But as to the second ground of claim it was found of whom, as we have never heard before, we shall that the augmentation of force of the Independen- say nothing, to enlist the slaves of the State to send forth in its armies. We had an idea that the Constitution prohibited the taking of private pro perty for public use without just compensation But the mover of the scheme may consider it a parallel case with the one before the House of Representatives last session, when an honorable member and prominent lawyer said: "I hope no the equipment was the cruise and the plunder to to think this bill constitutional; I vote for it as a

CONSCIENTIOUS VIEWS.

A venerable Clergyman in the North, though still in the vigorous discharge of the duties of his sacred calling, having received from a friend in Washington a copy of the National Intelligencer of the 2d instant, acknowledges the favor in the subjoined interesting letter, in which he refers, in terms of just commendation, to an able article which appeared in that number of the paper. Warmly attached as the respected writer is to the PRESIDENT, and solicitous as he is for the success of the Administration in extinguishing the calamitous rebellion, he frankly admits, as he deeply laments, the untoward direction which an unfortunate and erroneous policy has given to the war for the restoration of the Union. The voices of such men, sage, virtuous, and disinterested, ought to have weight with honest rulers. Politicians, statesmen, publicists, engaged in the heat of public discussion, are impelled by mixed motives, and often The oninion read by Judge Story decided that strive to shape public affairs according to the dic the "intent to cruise" brought a case within the tates of ambition, an honorable ambition it may be, of the vocation and disinterestedness of the write

> Accept my sincere thanks for the copy of the Intelli gencer of the 2d instant, containing the calm, admirable, and most satisfactory argument upon the great legal problems now in process of solution by our Government, and which involve so much of peril to our free institutions. dom of the ages sustain the position taken in that letter. The writer's feet are on the ro:k-all conflicting opinions are turbid sea. Can nothing be done to save our dear country from the vortex of rash dogmes and perilous experimenta? Is rational, regulated, practicable liberty to be crucified by abstractionists upon a cross constructed out of false assumptions and fastened together by false logic? Has history no lessons? Has the common sense of mankind, as carefully collated in the common law and in the books of jurisprudence hitherto esteemed standard, lost its value? And are we to plunge on from change to change and from one bloody expedient to another, without a com pass, without taking soundings, despising the past and reckless of the future ? I wish that letter could be spread. like the leaves of autumn, all over the land. I wish men would pender its truths. I could, if necessary, give facts that fell under my observation at the South that would corroborate its views.

-. SEPTEMBER 7, 1863.

The letter is a seasonable contribution to the cause of juridical and political truth. May the spirit of truth itself incline the heart of our excellent President and of our countrymen to ponder it, and to shape administration in the line of safety and right which it indicates! My heart and hand are both with the President in his efforts to repress this wicked rebellion and to preserve our nationality; and because they are I tremble when I see any senti ent or measure adopted which has a tendency to strength en the enemy, to weaken him in the North, or to place him

THE THREE HUNDRED DOLLAR CLAUSE.

The Lancaster (Pa.) Express publishes the following opinion of Hon. THADDEUS STEVENS in regard to the effect of the payment of the three hundred dollar commutation by a drafted man :

LANCASTER, AUGUST 27, 1863. DEAR SIR: In answer to your inquiry, my opinion is that the payment of the three hundred commutation and the furnishing a substitute have precisely the same effect

Either of them frees the drafted man from further draft for three years. He is in effect in service, either by himself or another. The payment of three hundred dollars makes the Government his agent to procure a substitute. The Government has consented to act as such agent. The pearance, furnish an acceptable substitute, or pay such sum, not exceeding three hundred dollars, for the procura tion of such substitute; and thereupon the person furnishing the substitute, or paying the money, shall be discharge ed from further liability under that draft." No one doubts that furnishing a substitute excuses for three years. To In that respect are not both contraband of war, give a different effect to the payment of the commutation seems to me little less than an absurdity. It is a very mischievous misconstruction, which, if need be, I have no doubt Congress will correct.

THADDEUS STEVENS. ED. REILLY, Esq.

SEARCHING FOR PRIVATEERS. NEW YORK, SEPTEMBER 9 .- Bahia dates to August 5th state that the gunboats Mobicsn and Onward are in THE ABDUCTION PROPOSITION.

Criminal Court in Maryland to the Secretary of War, to which we referred in our number of the 7th instant, urging that the President should, by proclamation, invite (entice and persuade) the slaves of Maryland, a loyal State of the Union, to abscond from their masters and enlist in the serto refer to the criminal code of the State upon daylight, and was maintained steadily until dark. A Mothat subject. We find that section 176, article 30, under the head of "crimes and punishments," reads as follows:

offence shall have been committed, and upon conviction | casualties were few. shall be sentenced to the PENITENTIARY for not less than six nor more than fifteen years."

Another section of the same article declares the fact of any slave having escaped to any of the States or Territories of the Union, without the consent of his master or owner, conclusive evidence

Could this Judge, having sworn "that I will be faithful and bear true allegiance to the State of Maryland and support the constitution and laws thereof, and that I will, to the best of my skill already suffered a thousand evils from the war of and judgment, diligently and faithfully, without which the Northern States have felt nothing and partiality or prejudice, execute the office," &c., know nothing but by name. We perceive by the refuse to apply the penalties of this law to any radical papers of New York that the Government agent of the Government who should be brought having deputed Col. Birney to enlist free negroes before him, as criminal judge, for carrying into effect the proclamation which he invites upon the

GEN. McCLELLAN.

This distinguished officer has led so quiet and un obtrusive a life since his exile from command that we have not for some time seen his name in numbers of Mr. H. Ketchum, now in course of publication in the New York Journal of Comnerce, in vindication of the General's military character against the aspersions of the Congressional Committee. The information, therefore, conveyed in the annexed extract from the letter of a private gentleman who lately fell in company with the General in the country, will possess interest for all our readers :

"I saw to-day, for the first time, and had a long talk with Gen. McClellan, who lives near the friend with whom I am stopping. I was very favorably impressed by the frank and dignified bearing of the man. He spoke to and as I conceive, with justice. He has been put on retired pay, a sufficient proof that the Administration do not mean to employ him again."

THE KANSAS-MISSOURI TROUBLES.

Correspondence of the New York World.

ST. LOUIS, SEPTEMBER 6, 1863. The public opinion of Missouri has been agitated of affairs on the western border. For a time at least it seemed as if the gigantic war which now divides and distracts the nation would become the parent of minor subdivisions of strife, in which localities and even States might become the combatants. Such a state of things was to be dreaded, since if once spread there is no foresight could tell where it might end. Happily the flood of intersecine strife is for the present quelled.

You are aware that for some weeks since several hundred of the people of Missouri, under the lead of the notorious guerrilla chieftain Quantrell, made a murderous and cowardly raid upon the city of Lawrence, Kansas, in which they pillaged and shot without mercy or reason. The indignation of the Kansans knew no bounds, and, as to the wilds of Missouri, where they succeeded in killing many of the guerrillas. Their vengeance soon assumed a nore direful cast, when they commenced burning and devastating the western counties indiscriminately as a retaliatory measure So far had this proceeded that at public meetings in Lawrence and elsewhere it was openly advocated that the whole of Missouri adjoining Kansas should be desolated and its population exterminated. This process had actually been commenced, and a general exodus of the population began.

GEN. SCHOFIELD'S MEASURES. Gen. Schofield, who commands the department, seeing the impending danger of allowing any such system of private war, proceeded to the scene of the troubles. His

first step upon his arrival was to issue the following gene Headquarters Department of the Missouri, St. Louis, (Mo) September 4. General Order No. 92.—The militia of Kansas and Missouri not in the service of the United States will be used only for the defence of their respective States. They will not be permitted to pass from one State into the without express orders from the district commander. No armed bodies of men not belonging to the United States troops, or to those portions of Kan-as and Missouri which have been placed under the orders of the department com mander by the Governors of the respective States, will be permitted, under any pretext whatever, to pass from one

State to the other. By command of Major Gen. Schofield:

C. W. MARSH, Ase't Adjutant General The radicals of this State look upon this pelicy as one which is only in favor of the rebels," and complain that the guerrillas will be fostered under this rule. Hence there is a great clamor for the removal of Schofield. He was chosen by the President as a pacificator and mediator between the two factions. They claim that it was the very worst selection that could have been made, as so far he has been able to temporize only between them. Either extreme would probably give greater satisfaction than a compromise of both. He will, we imagine, be able to contro! the belligerents on the Kansas Missouri border, as the appended despatch indicates:

KANSAS CITY, MISSOURI, SEPT. 4. Governor Hall: There will be no invasion of Missouri by the people of Kansas. The Governor and the people of Missouri may be perfectly at ease on that subject.

J. M. SCHOFIELD, Major General.

THE PAOLA MEETING

The armed meeting at Paola was to take place on the 8th instant. The programme assigned for it in the way of business is thus stated in a "radical" despatch :

"Lieut. Gov. Osborne will probably preside. A plat-form of the most radical character will be adopted. The removal of Schofield and Ewing will be demanded. Com-mon cause will be made with the emancipationists of Missouri, and a committee will be appointed to go to Washing ton with the Missouri committee. The people of Kansas will not rest until Schofield is removed and a man placed in command who, instead of being praised by one faction and condemned by the other, will deserve and receive the applause of all loyal men and be hated by the rebels."

Our latest accounts being only to the 7th, we have no knowledge of what the meeting actually did. It may be inferred, however, by the following from a St. Joseph paper, that Gen. Schofield was present at the meeting : From the St. Joseph News of September 2.

Major Gen. Schofield, accompanied by Majors Campbell and Wherry, of his Staff, arrived on a special train from St. Louis last evening, and stopped at the Pates House until the departure of the regular train on the Platte county railroad last night, when he left for Leavenworth The General conversed familiarly and freely concerning our border troubles. He said the only way marauding could be stopped would be for the people to be armed—of course discriminating between the loyal and disloyal. He thought his last general order covered the ground. Some ore spoke of the Kansas military meeting in Paola on the 8th instant, when the General queetly observed that he "thought he would be at that meeting himself." SOUTHERN NEWS.

The extraordinary proposition of the Judge of LATEST FROM CHARLESTON AND TENNESSEE

The Richmond Examiner of Monday last, the 7th in stant, has the following telegraphic despatches in refer ence to late important operations at the South :

THE SIEGE OF CHARLESTON. CHARLESTON, SEPT. 5 .- To-day has witnessed anothe furious bombardment of Forts Wagner and Gregg by the vice of the General Government, has induced us enemy's fleet and land batteries. The firing was begun at nitor is now firing at Fort Moultrie. Another assault on Battery Wagner is deemed not improbable to-night.

Since yesterday no further attack has been made or brick-built Sumter, which has been held twenty days "If any person shall entice, persuade, assist, or offer against all efforts of the enemy's great guns by land and my inducement to any slave or servant, knowing him to sea. Seven thousand five hundred and fifty-one shots be such, to run away from his lawful owner or possessor, bave been fired at it; 3,495 have struck outside, and 2,130 or shall harbor any runaway slave or servant, knowing inside. The flag has been shot away fourteen times. Orhim to be such, he shall be liable to indictment where such ders against exposure having been rigidly enforced, our

LATER FROM CHARLESTON

CHARLESTON, SEPT. 6, 9:30 A.M.—The bombardment of Batteries Wagner and Gregg has been incessant for the last thirty-two hours. The noise of the cannonade is tremendous. Last night the enemy landed near Cumming's Point in barges and assaulted Battery Gregg. The assault was repulsed. No particulars have yet been received.

REPORTED VICTORY IN ARKANSAS. ATLANTA, SEPT. 4 .- A special to the Appeal from Se natobia says that Gen. Price had an engagement with the enemy fifteen miles below Little Rock and obtained a victory over the Yankees. The Arkansas army had been rapidly reinforced.

Gen. Halleck excuses the present inactivity of the Union orces. He says they are waiting for the culmination of the siege of Charleston, and that in three weeks he will have full three corps under Gen. Banks to move on Mobile from Pascagoula.

THE LATEST FROM TENNESSEE.

CHATTANOOGA, SEPT 4.—The enemy were signalling all eight on Waldron's bridge, but every thing is remarkably quiet across the river to-day. There are no further indications of an advance on the part of Rosecrans. The Knoxville Register has been removed to Cleveland.

Capt. J. R. Rhodes, of the First Confederate infantry, was shot at noon to-day for encouraging desertions from the newspapers, except indeed in the masterly his own company and embezzling the money of substitutes He made a short speech, acknowledging the justice of the sentence, manifested but little concern, and died without a struggle. Lieut. Col. Adolph, of the same regiment, was cashiered and conscripted yesterday for having been concerned in the same offences.

SECOND DESPATCH. CHATTANOOGA, SEPT. 5 .- Although the armies are i lose proximity there are no indications of an early engagement, but a slight cause may bring it on at any moment. Our artillery at Driver's Ferry opened on the enemy at six o'clock this morning for the purpose of ascertaining the strength of the position of the enemy's batteries. They responded promptly, and for half an hour a lively artillery duel was kept up without injury to our side. The discipline and health of the army are very fine. me freely of various persons, but always with respect, The troops are in the best spirits. Nothing heard from General Buckner's command. The weather is clear and

ANOTHER DESPATCH.

ATLANTA, SEPT. 7 .- A special despatch to the Confederacy says that Col Morrison, of the 1st Georgia cavalry, repulsed the enemy at Diamond Gap on the night of the 3d instant. Our loss was two wounded: the enemy's not known. The brigade fell back south of the Tennessee river. The enemy shelled Loudon on the 2d instant, and late in consequence of the very threatening stitude of killed two women. The bridge was burnt to prevent the enemy's crossing.

THE GEORGIA RESERVES.

ATLANTA, SEPT. 5 -Gov. Brown has issued a proclanation calling upon the State Reserves to hold themselves in readiness to march at a moment's warning. The men are to provide themselves with rations and subsistence on the merch and on the day after reaching the rendezvous. The Ladies' Atlanta Hospital Association gave a dinner to one thousand of the Vicksburg soldiers to-day.

THE GUERRILLAS IN WEST VIRGINIA

On Thursday, the 27th of August, (as we 'earn from the twenty-eight wagous was captured by rebel guerrillas about six miles from Phillippa, on the road to Beverly.

The train was going from Webster to Beverly. The wagons, to each of which six horses or mules were attached, contained grain and hay and provisions. There was no guard with the train. About nine o'clock in the morning, much to the surprise of the teamsters, twelve armed men suddenly appeared upon the road and ordered the teams to be unhitched, one at a time. The teamsters, taken entirely by surprise, and being unarmed, obeyed instructions, when the guerrillas ran thirteen of the wagens together and set them on fire. They then started with the horses and mules, about one hundred in number, and passed out in a very hurried manner by Clover Run and up the Black Fork of Cheat river. They had not gone far when they found they had more horses and mules than they could manage, and they were compelled to leave the most of them upon the road. The teamsters were taken some fifteen or twenty miles, when they were released.

ANOTHER GUERRILLA ATTACK

SIR JOHN'S RUN. (Baltimore and Ohio Railroad in Virginis,) September 8 .- Our forces at Bath, consisting in part of two companies of Col. Wynkoop's 12th Pennsylvania cavalry, were attacked this morning at three o'clock by a party of rebels, estimated at from fifty to two hundred D. M. Strother, of the 31 Penusylvania cavalry, who was much gallantry, and drove back the enemy. A party at not yet known.

REBEL MOVEMENTS IN WEST VIRGINIA.

HARPER'S FERRY, (VA) SEPT. 7 .- Imboden with orce of one thousand two hundred men attacked Major Stephens at Moorefield, in Hardy county, day before fell back without loss on Cumberland.

and were repulsed. Cavalry are pursuing them.

REPORTS FROM NORTH CAROLINA.

PHILADELPHIA, SEPT. 9 -Newbern advices to Septem ber 6th state that Hon. David Heaton, a representative of the Treasury Department, left there on the 2d instant for Wastington on important business of a commercial and civil character.

The Raleigh Standard is full of the proceedings of peace meetings held in different counties which fearlessly en dorse the course of the Standard.

MARYLAND NOMINATIONS. The Unconditional Union Convention of the fifth Cor

gressional district of Maryland met at Bladensburg or Tuesday and nominated Col. JOHN C. HOLLAND, of Baltimore county, as their candidate for the House of Representatives. The fifth district is composed of St. Mary's Calvert, Charles, Prince George's, Anne Arundel, Montgomery, and Howard counties, and a part of Baltimore

The Union nominations for Congress from the State of Maryland are now complete, and are as follows: 1st district-John W. Crisfi 11, (late member.)

2d district-Edwin H. Webster, 3d district-Henry Winter Davis.

4th district-Francis Thomas, (late member

The Hop. CHARLES CALVERT, who ably served the fifth district in the last Congress, some time ago announced himself as a candidate for re-election. He is still in the field, and, as a loyal and faithful representative, will be sustained by a large number of the voters of his district. | but its character is not known.

LATEST FROM THE SOUTH.

IMPORTANT NEWS

FORTS WAGNER AND GREGG EVACUATED.

FORTRESS MONROE, SEPT. 9 .- The Richmond Enuirer of Tuesday, the 8th instant, contains the following: CHARLESTON, SEPT. 7 .- Morris Island was evacuated resterday afternoon. The enemy had advanced their sappers up to the most of Wagner, and, it being impossible to hold it, Beauregard ordered its evacuation, which took place at noon. The enemy hold Cummings' Point, in full

.The enemy is active above and below Chattanooga. Heavy firing is now going on between the monitors and our batteries on Sullivan's Island and Fort Moultrie. ATLANTA, SEPT. 7 .- A few of the enemy are at Waxa-

satchie and another force is advancing on Rome, Georgis.

EVACUATION OF MORRIS ISLAND.

The following is from the Richmond Whig of Tuesday,

CHARLESTON, SEPT. 7 .- The bombardment was kept up without intermission all day yesterday and far into the night. About one hundred and fifty of our men were killed and wounded at Batteries Wagner and Gregg. The attempt to assault Gregg was repulsed before the enemy had completed their landing. Great havor is supposed to have been played on the enemy's boat by our grape and canister. At dark yesterday, the enemy having advanced their sappers up to the very mouth of Wagner, and it being impossible to hold the Island longer, Gen. Beauregard ordered the evacuation, which was executed between 8 P. M. and I A. M. with success. We spiked the guns of Wagner and Gregg and withdrew noiselessly in forty barges. Only one barge containing twelve men was captured. The enemy now holds Cummings' Point, in full view of the city. All is quiet this morning

ASSAULT ON FORT SUMTER.

CHARLESTON, SEPT. 7-Noon.-A despatch from Maj. Stephen Elhott, commanding at Fort Sumter, announces that a flag of truce demanding the immediate surrender of that fort has just been received from Admiral Dahlgren by Lieut. Brown, of the steamer Palmetto State. General Beauregard telegraphed to Gen. Ethiot to reply to Admiral Dahlgren that he can have Fort Sumter when he takes it and holds it, and that in the mean time such demands are nuerile and unbecoming.

CHARLESTON, SEPT. 7-8 P. M .- At six o'clock P. M. the i.on clads and monitors approached Fort Sumter closer than usual, and opened a hot fire egainst it. Our batteries on Sullivan's Island, including Fort Moultrie, replied heavily. The firing is still going on.

FROM TENNESSEE.

CHATTANOGGA, SEPT. 6 .- With the exception of a few shells thrown at our pontoons yesterday, nothing has occurred to break the monotony at this place. The enemy seems quite inactive both above and below the place. But there is no further indication of an attack. The best informed persons think that no attack will be made here. but an effort will be made to flank us.

Two privates, four regulars, and one of Gen. Rosecrans telegraphic operators were captured yesterday near Running Water Bridge.

ATLANTA, SEPT. 7 .- Passengers from Chattanooga report a force of the enemy at Waxabatchie. We learn from Rome (Ga.) that another force is advancing on that point. All accounts concur in stating that the feeling and disposition of the army is one of great desire to meet the enemy, and confidence in the result.

From East Tennes ee there is no recent movement to

CAPTURE OF GUERRILLAS IN FREDERICK. The Frederick (Md.) Examiner says that on Wednesday of last week several citizens attacked a party of seven guerrillas, suspected of stealing horses, on Catoctin mountain. A brisk skirmish ensued, resulting in the capture of four of them, with their horses. The leader of the band and two of them who were on foot escaped : but it is believed that the leader was severely wounded. None of the attacking party were burt. The prisoners gave their names as John C. Lee, plumber, James Clayton, John Syington, and George E. Barret, all hailing from Balti-Wheeling Intelligencer of Monday,) a Government train of more. They were committed to jail in Frederick city to await the action of the grand jury

DEFEAT OF THE NAVAJOE INDIANS.

LEAVENWORTH, SEPT. 3 .- From Albuquerque (New Mexico) papers received here, we learn that on the 28th of July, Col. Kit Carson, with part of the First New Mexican Regiment, had a fight with the Navajoe Indiana beyond Fort Canby. The Indians were defeated, with the loss of thirteen killed, twenty wounded, and many prisoners.

ADDRESS OF REVERDY JOHNSON.

SARATOGA, SEPT. 4 .- Hon. Reverdy Johnson, of Maryand, addressed the Saratoga County Agricultural Society here to-day. His address was brief, and mainly devoted to national affairs, and was pervaded by a spirit of intense devotion to the Union. He enjoined upon all the duty of sustaining the Government in the struggle against the or three vessels in sight at the time. We brought her

THE U. S. TROOPS IN NEW YORK.

NEW YORK, SEPTEMBER 9, 1863. Gen. Canby having issued an order removing the troops under his command from the city, nearly all of the regi- bottom was so foul that her speed was naturally lessened. ments which have been encamped in our various public parks and squares have struck their tents and yielded prompt obedience to the order. The troops which were stationed at Washington Parade Ground, with the excepand fifty. The rebels eluded some of the pickets. Col. tion of the Regulars, who are at present on the Battery, were furnished transportation to Alexandria, (Va.) and are at Bath, states that our forces resisted the attack with probably now at that place. These troops consisted of the Second and Fourth Vermont. The Third and Sixth Veronce started in pursuit. What success they met with is mont, which made their headquarters at Tompkins square, have been removed, the former to Newark, (N. J.) and the latter to Kingston, (N. J.) The Fourteenth Regulars are still at Madison square, but will leave in a day or two. The Seventh Massachusetts and Fifth Vermont, which were also encamped at this place, have left for Washington, it is said to rejoin the Army of the Potomac. The 152d New York left Stuyvesant square on Saturday, and yesterday. Stephens had about three hundred men and are for the present making their headquarters in Brooklyn. The Second and Seventh Regulars are still stationed The guerrillas attacked our pickets last night at Bath, at Fifth avenue and Forty-ninth street. A detachment of the Tenth Regulars remain at Ninety-first street and Third. avenue, and a battalion of the Eleventh and Seventeenth Regulars at Jones's Wood. It will be noticed that the regiments retained by General Canby consist entire'y of

CAVALRY LOSSES.

General Pleasonton has, it is stated, completed his official report of the operations of the cavalry in the late campaign. It exhibits the surprising fact that the total loss of the cavalry corps from June 9th to the present time, in killed, wounded, and missing, is upwards of four service very strikingly.

NOMINATIONS IN NEW YORK.

ALBANY, SEPT. 9 .- The Constitutional Union Convention have nominated E. P. Norton for Attorney General nomination of the remainder of the ticket has been referred to the State Committee.

The Convention have adopted the same resolutions as those adopted at Rochester, with one additional, depre. cating any departure from constitutional grounds.

FROM CHARLESTON.

NEW YORK, SEPT. 9-The transport City of Bath from Charleston Bar on the 6th matant, has arrived. She reports the siege of Forts Wagner and Sumter still going on. The latter has not surrendered.

The iron-clads and land batteries were bombarding Fort Wagner, which had not replied for two days.

The casualties are very few.

The news from Morris Island is said to be contraband,

EUROPEAN INTELLIGENCE.

By the latest foreign arrivals at New York and off Cape Race we have English intelligence to the 27th ultimo.

The Executive Committee of the British Emancipation Society have addressed an urgent memorial to Earl Russell, alleging that the builders of the Alabama are about to aunch two powerful iron-plated steam rams for the service of the Confederate States. One of these vessels was said to be on the point of sailing. But the Globe (Ministerial organ) thinks that the memorialists have made out no case; that they do not fortify their assertions by a single affidavit or declaration, or even the recital of a sin-

The English papers, however, generally unite in urging the British Government to prevent the departure of the iron-clad or other war vessels now building in British ports for the rebels. The London Times, in an editorial on the memorial of the Emancipation Society for the stopping of the building of vessels for the Confederates, ad mits that it is wrong to supply them with vessels, and says that it is England's interest as well as legal duty to maintain this custom. The London Daily News reiterates the argument that all the vessels building for the Confederates should be seized. The London Star contends that the ressels should at least be detained until the appeal in the Alexandra case is finally settled.

The letter from Mr. Seward, in reply to the anti-slavery ddresses of the Protestant Clergy of England and France. s published. It states that the President readily accepts as an additional motive for the suppression of the rabellion the suggestions made by our friends in Europe that the success of the rebels would lead to the establishment of State founded exclusively on African slavery.

It is stated that Mr. Slidell had long interviews with Drouya d'Lhuys on the 20th and 21st of August.

The Central Association for the recognition of the Confederate States at Manchester has issued a manifesto strongly urging recognition and friendly mediation by European Powers for the interest of all parties.

The London Times in its city article says that there is no belief in the threats of the Washington Government against France in regard to Mexico. The general belief s that the American protest will now be feeble, and unattended by any threat; for the first really offensive threat against Napoleon would be the signal for the deliverance of the Confederates.

The latest rumors indicate that Maximilian will decline the Mexican throne. The King of the Belgians advises him to insist on certain conditions before accepting the proffered crown. These conditions are equivalent to a refusal of it. The Imperial family at Vienna has resulved that if the Archduke accepts the crown of Mexico he must renounce all political rights as a scion of the house of

The notes of the three Western Powers have been presented at St. Petersburgh, but no indication is given as to the time when the reply of Russia may be expected. The diplomatic victory of Russia is every where in Europe acknowledged, and the war rumors have almost entirely

The Congress of German Powers is still in session, and t was expected that most of the Austrian propositions would be almost unanimously accepted. It is said that the Directorate will consist of six instead-as was proposed by Austria-of five members. A General Assemb'y of members of the German Legislatures demanded, among other modifications, that the Assembly of Representatives be directly elected by the people, and not by the Legislatures.

LATER FROM EUROPE.

ST. JOHNS, SEPTEMBER S .- The steamship Adriatic. with dates to the first instant, has passed Cape Race. She brings the following intelligence:

The Liverpool Mercury professes to have reliable infornation that the Vanderbilt was sunk by the Alabama on the 30th of August in latitude 47, longitude 45.

The Times editorially admits that the question of building ships for the Confederates is becoming serious and urgent. But no concession, it says, can be made to nenace. The laws must take their course. It hopes that if the rams are really intended for the Confederates

the law may be strong enough to stop them. Accounts from Japan to July 4th have been received. It is reported that there is a growing affinity between the Tycoon's Government and foreigners. The Tycoon has chartered a British steamer to convey troops.

THE REBEL PRIVATEERS. QUEENSTOWN, AUGUST 30 .- The following letter from person on board the pirate Florida has been received

BREST, AUGUST 24, 1863.

GENTLEMEN: We arrived here yesterday from a cruise, having touched at Queenstown on the 17th and landed Everett, first lieutenant; Garrelson, surgeon; and Hunter, midshipman. We then cruised about off Tuskar Rock Light. We went out of the channel and outside. In chasing four or five vessels on the 22d, we succeeded in capturing the American ship Anglo-Saxon, from Liverpool for New York-stripped her of what was necessary, set fire to her, stood off from one thousand to twelve hundred yards, and fired three broadsides into her, as much for practice as for sinking her speedily. There were two

crew to this port. THE PRIVATEER ALABAMA QUEENSTOWN, AUGUST 30 .- The Confederate steamer tlants, reported as being overhauled in the dock-yard at Breet, is no other than the celebrated Alabama, whose

THE OFFICERS OF NEGRO REGIMENTS.

A Washington letter, da ed the 8th instant, published the New York Times, has the following important innformation relative to an important question which has been interposed by the Confederates in providing for a general exchange of prisoners:

" A gentleman from New York, the father of an officer in one of our colored regiments who is now a prisoner in the hands of the rebels, called on the President to learn what policy would be pursued by the Government in regard to exchanging prisoners, and urged upon the President to onsent to no exchanges being made unless the rebels exhange white officers of colored regiments as other prisoners of war. The President said he would do all in his power to effect the release of these officers and all others who are now prisoners in the South, but he was not prepared por would be consent to make the release of officers of colored regiments an indespensable condition to the renewal of exchanges. This Government was prepared to exchange man for man with the rebels, even should they refuse to release officers of colored regiments in their hands. This would be done because this Government considered it unfair to make the cases of a few officers a test question when a much larger number would be benefited by the resumption of exchanges, and the question of exchanging these officers was left open for future consideration. He wished sincerely that they could be released speedily, but Jeff. Davis was a party to be consulted, and they could not be exchanged unless by agreement with thousand. This illustrates the severity of the cavalry rebel authorities. The question raised in regard to these officers was not covered by cartel, and officers of these regiments knew, when they entered the service, the peculiar risks incidental to their position, and for the present must endure the disagreeable consequences. The President, however, assured the gentleman that any unusual or and R. F. Stevens for State Prison Inspector. The barbarous freatment of such officers or the colored soldiers would cause retaliation on our part upon the rebel prison ers in our hands."

SAFETY OF THE VANDERBILT. The ship Grey Engle, Capt. Burgess, arrived at Baltimore

n Thursday, with dates from Rio de Janeiro to the let of August. She reports that when she sailed from Rio the Inited States steamer Vanderbilt was still lying in that port, and that the United States steamer Mohican sailed on the 31st of July. This renders it pretty certain that the statement in a Mobile paper of the 22d of August, based on the authority of a passenger from Havana, that the Vanderbilt had been sunk off the Bahamas by the privatcer Georgia, is without foundation in fact.